

**KENTUCKY BOARD OF EDUCATION
REGULAR MEETING
DECEMBER 10-11, 2003**

**STATE BOARD ROOM
1ST FLOOR, CAPITAL PLAZA TOWER
FRANKFORT, KENTUCKY**

SUMMARY MINUTES

The Kentucky Board of Education held its regular meeting on December 10-11, 2003, in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. The Board conducted the following business:

Wednesday, December 10, 2003

CALL TO ORDER

Chair Helen Mountjoy called the Board meeting to order at 8:35 a.m.

ROLL CALL

Present for the meeting were Janice Allen, Alcie Combs, Dorie Combs, Tom Layzell, Helen Mountjoy, Hilma Prather, Sam Robinson, David Tachau and Keith Travis. Jeff Mando and Paul Whalen joined the meeting in progress on the morning December 10 and Gail Henson joined the meeting on December 11.

APPROVAL OF MINUTES

Alcie Combs moved approval of the October 8-9, 2003, regular meeting minutes including the technical corrections submitted by Chair Mountjoy. Dorie Combs seconded the motion and it carried.

REPORT OF THE SECRETARY OF THE EDUCATION CABINET

Chair Mountjoy indicated that Ginni Fox, the new secretary of the Education Cabinet, could not be at the meeting today, but said that she might be able to stop by later. Mountjoy emphasized that the Board looks forward to working with Secretary Fox in the future.

***REPORT OF THE PRESIDENT OF THE COUNCIL ON POSTSECONDARY
EDUCATION***

Dr. Tom Layzell reported the following:

- The Interim Joint Committee on Education is looking at the Kentucky Educational Excellence Scholarship (KEES) program and has issued a report with four recommendations. The recommendations were: (a) priority given to needs-based aid if there are not enough dollars to fully fund the program; (b) movement to a numeric grading system; (c) the use of KEES for dual-credit costs; and, (d) the use of KEES to cover the cost of advanced placement exams.
- In late October all public institutions and six private institutions signed a Memorandum of Agreement to accept 60 hours of transferable credit from participating KCTCS institutions to teacher preparation programs. This is an attempt to help address the teacher shortage problem.
- In February a joint meeting of the Kentucky Board of Education and Council on Postsecondary Education will occur. Mr. Wilhoit and President Layzell met to draft an agenda that will perhaps include discussion on the American Diploma Project benchmarks and policy implications of these benchmarks.

REPORT OF THE COMMISSIONER OF EDUCATION

Commissioner Wilhoit reported on the following:

- The Department has been making the new administration aware of the Board's priorities. The administration is interested in every child reading by grade 3, safety and character education.
- Relative to budget, there is little change in the status of the shortage with the deficit still being \$150-\$300 million dollars. The legislature needs to address the problem and to date there is no indication whether all parts of government will have to make cuts or just certain sectors.
- This year offers the opportunity to celebrate the 50th anniversary of Brown vs. Board of Education. The Department is working on ways to recognize and celebrate this landmark decision. Chair Mountjoy interjected that under Internal Board Business on tomorrow's agenda, the Board will talk about how it might observe the Brown vs. Board of Education decision.

GOOD NEWS FROM SCHOOLS AND DISTRICTS

Chair Helen Mountjoy offered congratulations to the following:

- Roy and Karen Adkins have taught together as a team for more than a decade at Millard Elementary in Pike County. Roy is a special education teacher and Karen's background is in general elementary education. Their classroom includes 31 students of varying ages and abilities with IQs ranging from 44 to 144, some wheelchair bound, who are divided into six groups by learning level not age. The Adkins often spend more time helping students after school with overcoming

barriers, providing transportation to the doctor or grocery and working with parents. For their outstanding work and unique educational setting, the Adkins have been named to the USA Today All-USA Teacher Team.

- Dorie Combs has been appointed as a National Endowment for the Arts panelist. She will review arts education grant applications as an expert in the field.
- Gene Wilhoit received a Leadership in Education Award from the Collaborative for Teaching and Learning during October.
- Keith Embry, a math teacher at Oldham County High School, and Rebecca Coleman, an English teacher at Whitesburg High County in Letcher County, were chosen as Kentucky's latest Milken Award winners.
- Each year one male and one female student in each state are recognized as Advanced Placement State Scholars. Selection is based on the number of advanced placement exams taken and the average score on the test. This year's scholars from Kentucky are Robert Harris of Apollo High School in Daviess County and Jessica Lowell of DuPont Manual High School in Jefferson County.

ANNOUNCEMENTS

Chair Mountjoy announced that an item would be added to the Board's agenda tomorrow morning to offer an opportunity to talk about some technology implementation concerns.

KDE EMPLOYMENT REPORT

Chair Mountjoy pointed out that as of October 31, there are only 688 full-time employees in the Department. Of those, she noted, 422 are Frankfort-based and the other are at KSB and KSD. Keith Travis expressed concern that KSD is still at a 4.2% minority employment level and said he would raise this concern in his committee. However, he indicated he was pleased that a 14% minority employment level exists within the Frankfort-based employees.

BOARD MEMBER CONCERNS

Keith Travis raised the concern that a student was killed in an automobile accident in Marshall County due to not wearing a seatbelt. He asked what was being done to focus on safety in the schools relative to seatbelts and related areas. Commissioner Wilhoit said he would look into this and noted that it is part of the vocational/practical living portion of the Core Content.

REGULAR COMMITTEE MEETINGS

The Curriculum Committee and Management Committee met from 9:15 a.m. until 12.00 noon.

“RENEWING THE COMMITMENT: A SUPERINTENDENTS’ POSITION PAPER ON ASSESSMENT AND ACCOUNTABILITY”

Carolyn Witt Jones, Executive Director of the Partnership for Kentucky Schools began the presentation and reinforced the Partnership’s commitment in Kentucky to high academic standards and the central core of Kentucky’s education system. She indicated that as the legislative session was nearing, the Partnership wanted to gather the perception of others relative to Kentucky education and convened a group of superintendents to discuss this. She noted that it quickly became a statewide effort and stated that Roger Marcum was here today to share what the majority of the superintendents are willing to endorse.

Roger Marcum, Marion County Superintendent, made the following comments about the position paper:

- Superintendents across the state have stepped up to the plate and want to maintain and improve the current assessment and accountability system.
- The Kentucky Association of School Superintendents endorses the position paper along with several education cooperatives and other cooperatives are meeting soon to consider endorsement.
- The paper represents the view of the vast majority of superintendents across the state.
- The paper recognizes some challenges, including funding, elimination of some of the supports for Kentucky’s educational system such as the regional service centers and possible efforts to replace CATS with an off-the-shelf test in order to comply with federal law.
- The position paper reemphasizes support for the seven capacities that are the foundation of the original reform and suggests some possible adjustments to improve the assessment and accountability system, such as increased student accountability, addressing inappropriate practices in the development of writing portfolios, teacher scoring of the Core Content tests, additional and appropriate staff development along with the school calendar being expanded and funded to provide more professional development opportunities, aligning the accountability system with Senate Bill 168 and adding an additional public message that Kentucky’s educational system is built around continuous progress that will continue well beyond 2014.

- It was emphasized that funding is inadequate and school districts must have additional resources if progress is to be made. Important needs were highlighted including all-day kindergarten, increased preschool funding, smaller primary grade class sizes, increased teacher salaries, increased health insurance funding and resources to assist students for whom English is a second language.
- Superintendents emphasized that it is important to maintain Kentucky's long-established standards-based assessment and accountability system to meet federal requirements because having two separate systems could lead to diminishing or loss of the current system.

The conclusion of the position paper read as follows:

“After years of trailing the nation in educational achievement, Kentucky schools are making measurable progress toward excellence. Sustaining that forward movement will require a renewed commitment on the part of the state's elected leaders, policymakers, educators and the public.

In the view of Kentucky's school superintendents, that commitment must include:

- Maintaining Kentucky's assessment system and strengthening the accountability system.
- Providing adequate financial support to ensure that all schools can achieve the mandates of the Kentucky Education Reform Act and attain proficiency for all students by 2014.
- Incorporating the *No Child Left Behind* requirements into Kentucky's assessment and accountability system without diminishing the state's high standards for academic achievement.”

Chair Mountjoy expressed appreciation to Superintendent Marcum and Carolyn Jones for producing this position paper and for the expression of support for Kentucky's system that it presents. She also expressed appreciation to the superintendents in Kentucky for standing up in support of Kentucky's education system.

IMPROVING KENTUCKY'S ASSESSMENT AND ACCOUNTABILITY SYSTEM

Commissioner Wilhoit shared a schematic drawing with the Board that illustrated the main points of his paper titled “Improving Kentucky's Assessment and Accountability System”. He indicated the three main parts of the schematic titled Learning Promise, Greater Assistance to Teachers and Improving CATS for Optimum Results all are targeted to produce high levels of achievement for each student through improved teaching and learning. He clarified that some of the activities under each of the main elements of the schematic are needed immediately and others are long-term.

Hilma Prather noted that conversations involving leaders from other states and Kentucky legislators led to the shaping of the model. She stated that she has asked for the

Commissioner to come back in February to the Assessment Committee with more details on the elements of this model.

Chair Mountjoy added that House Bill 940 called for continuous assessment and that the model gets at that notion. She emphasized that it helps provide additional support for teachers and schools.

REGULAR COMMITTEE MEETINGS

The Assessment and Accountability Committee and the KSB/KSD Committee met from 2:30 p.m. to 5:30 p.m.

Thursday, December 11, 2003

TECHNOLOGY CONCERNS

Chair Mountjoy reminded Board members that at the last meeting she was asked to send a letter to the chair of the Jefferson County Board praising its efforts in making progress in the implementation of MUNIS and STI. She noted that clearly this process has not been without some pain and problems. Mountjoy shared that several Board members have heard from constituents with concerns about MUNIS and/or STI relative to Jefferson County and other districts. She explained that the purpose of today's discussion was to identify the concerns and talk to Department staff on how to increase support to districts having problems with certain elements of STI and MUNIS.

Commissioner Wilhoit then identified the concerns as follows:

- Data corruption has emerged in Jefferson County during implementation as efforts are made to protect the old system as the new one is installed. This can occur when users are logged into the old system as the new is installing. More awareness will have to be communicated to schools as to when to get off the system and better compliance will need to occur by schools.
- Jefferson County has experienced a problem with getting a quick turnaround in order to solve problems. A meeting occurred in Jefferson County with the president of STI last week where an agreement was reached to deploy more people on site to support implementation.
- Jefferson County has experienced problems with the ability to take information from the school level and accumulate it at the district level for district use. So many customized functions exist within the system in Jefferson County that it will require further work. Both sides have pledged to continue to work toward solving this problem.

Commissioner Wilhoit noted that there will continue to be bumps in the road during implementation in Jefferson County and that this is not unusual in a project of this magnitude.

Gail Henson made the Board aware of six issues that were communicated from Jefferson County and indicated that she wanted to make sure staff had a copy. These issues included state reporting, special education issues and the ability to track students that transfer. Associate Commissioner David Couch replied that the special education module has been a problem statewide and said further work has been done to improve its operation.

Commissioner Wilhoit added that after meeting with the CEO of STI, it was learned that the special education module should have had more development time before it was released. He went on to say that a new process for development and implementation of products has now been set. The Commissioner felt that the Department will hear more about technical problems, especially with the current financial crunch. He stated that there is a need to remind the legislature that it should support the technology system because the infrastructure is not adequate.

Chair Mountjoy then emphasized that it is not the Department's purpose to leave those people languishing who are experiencing a high level of frustration. She assured the Board that the Department is working to minimize problems and fix them.

***POINTS OF UNDERSTANDING DEVELOPED BY THE KENTUCKY
DEPARTMENT OF EDUCATION (KDE) AND THE KENTUCKY EDUCATIONAL
NETWORK (KET)***

Chair Mountjoy shared that the KDE/KET joint task force that was endorsed by the Board and KET's board was formed and is composed of Starr Lewis, KDE Associate Commissioner of Academic and Professional Development; Hilma Prather, KET board member and KDE member; William Wilson, KET Deputy Executive Director of Education and Outreach; Kathy Quinn, KET Director of Education; Malcolm Wall, KET Executive Director and herself. She indicated the task force met on August 7 and produced the Points of Understanding between KDE/KET found on pages 381 and 382 of the Agenda Book. Those read as follows:

Points of Understanding Between KDE/KET

- KDE and KET are committed, first, to serving learners at the elementary and secondary level by supporting the curriculum with technology in such subject areas as the State Department of Education shall direct; and, concomitantly, by preparing teachers to use the technology as effectively as possible.
- Furthermore, KDE and KET are committed to contributing to education beyond the walls of the classroom and beyond the elementary and secondary levels including preschool and adult education.
 - KDE will be responsible for content creation, and KET will be responsible for the delivery of that content.

- The task force will meet annually to review roles and responsibilities.
- An annual State of the Union presentation will be made by KET to the State Board of Education and to the KET Authority on the use of KET in the schools.
- KDE/KET staff will continue to have regular meetings to discuss programming priorities for both students and teachers.

Mountjoy reported that the recommendation of the task force from the August 7 meeting was: "That the Authority approve the recommendation of the Task Force and adopt the Points of Understanding cooperatively developed by the Kentucky Department of Education and the Kentucky Authority for Educational Television." She commented that on October 17, 2003, the Kentucky Authority for Educational Television board approved the statement; then, on October 31, Commissioner Gene Wilhoit received a letter from Malcolm Wall, Executive Director of KET, requesting that the Kentucky Board of Education review the statement and take a similar action to approve the statement.

Chair Mountjoy pointed out that the options for the KBE include:

1. Approve the Points of Understanding Between KDE/KET.
2. Request more work on the statement and then approve it.
3. Do not approve the statement.

Mountjoy recommended Option 1 and moved to approve the points of understanding between KDE/KET. Jeff Mando seconded the motion and the motion carried.

***MINORITY APPLICANTS FOR CERTIFIED VACANCIES IN KENTUCKY
SCHOOL DISTRICTS 2002-2003 KENTUCKY EDUCATOR PLACEMENT
SERVICE (KEPS)***

Deputy Commissioner Linda France introduced the Department staff present for this discussion as Steve Schenck, new Associate Commissioner of the Office of Leadership and School Improvement; Robby Morton, new Director of the Division of Minority Educator Recruitment and Retention; and Darryl Thompson, consultant in the Division of Minority Educator Recruitment and Retention. She indicated that the regulation requires local superintendents to submit a report on hiring, but pointed out that some districts have still not submitted this report. France stated that she has called the superintendents whose districts have not yet reported and said most have claimed that it was an oversight. She shared that there is only one district this year that is a repeater from last year on being late with the report.

France went on to summarize the results of the data as follows: (a) Thirteen percent of administrative hirings constitute minority placement, which is up one percent; (b) Of the administrative hirings, there are 7% of principals that are minority placements, which is about the same as last year and (c) Teacher hirings remain at 6%, which is about the same as last year. She moved on to highlight the following next steps:

- The minority superintendent intern program is highly successful and will continue to be supported.
- Currently, there are 150 Future Educator of America Clubs in Kentucky and the Department will be pursuing the support of these and the formation of more.
- The dual credit agreement is now in place and will be helpful in supporting future teachers.
- The agreement that has been signed to allow the seamless transfer of college credit from KCTCS participating schools to colleges and universities will make it easier for future teachers to make sure previous college work counts toward their degree.
- The Kentucky Educator Placement System (KEPS) is in place and is constantly being evaluated for improvement.
- The Minority Educator Recruitment Scholarship Program is being continued to encourage candidates to go into teaching.
- The Department continues to work with Western Kentucky University on its leadership development program, which is similar to the minority superintendent intern program.
- The Department intends to step up its work with school boards and school councils to encourage them to hire minority candidates.

Board members were pleased with the work that has been done, but were still not satisfied with the hiring results shown by the data. Chair Mountjoy was asked by the Board to send a letter to those districts that have not submitted their hiring report and make sure the local board chair is copied. The letter was to ask them to get in compliance and make clear that if compliance was not reached, appearance before the Board would be necessary to explain the delay in submitting the data. Additionally, Chair Mountjoy was asked to send a letter at a later date reminding all 176 superintendents of their responsibility in submitting this report and noting that the consequence of not complying would be appearing before the state board.

***2004 LEGISLATIVE AGENDA OF THE KENTUCKY BOARD OF EDUCATION
AND DEPARTMENT OF EDUCATION BIENNIAL BUDGET REQUEST***

Chair Mountjoy indicated that a new attachment was sent to the Board replacing the one on page 394 of the Agenda Book. An opportunity was given for members to ask questions about the Kentucky Board of Education 2004 Legislative Agenda Policy Issues already adopted in August as well as new ones proposed on pages 389-392 of the Agenda Book.

Additionally, the Board discussed a new proposal that resulted from a request by President Williams at the last Education Assessment and Accountability Review Subcommittee meeting for the Board to make a recommendation on the process for selection of a principal. Department staff recommended that the Board communicate to President Williams, Harry Moberly and other legislators that it supports Option 1, the superintendent selecting the principal in a low-performing school and Option 2, clarifying that the superintendent recommends candidates and the council selects from those recommended. At this point, Gail Henson moved to approve the recommendations found in the staff note on pages 389-392, the new attachment A that replaces the one on page 394 of the Agenda Book and the additional insert with the legislative proposals on principal selection to comprise the Kentucky Board of Education's legislative agenda. Sam Robinson seconded the motion.

At this point, Keith Travis offered an additional motion for the Board to consider legislation to allow local districts to determine if they would pay the prevailing wage on construction projects. Paul Whalen seconded the motion. After reservations expressed by some Board members due to the lack of information on this topic, Helen Mountjoy said that the Board could table this motion and ask to get more information in February before acting on it. Dorie Combs then moved to table the motion and bring back information in February and Gail Henson seconded the motion. The motion carried. Next, the question was called on the original motion relative to the Board's legislative agenda and it carried.

Deputy Commissioner Kevin Noland then gave the Board the opportunity to ask any questions on the budget material in the Agenda Book found on pages 403-409. Chair Mountjoy emphasized again how grateful the Board is for the amount of work going into the budget preparation and recognized Robin Kinney, Petie Day and their staff for the hard work. She indicated that additional information on the budget is being prepared for the Board to use during the General Assembly.

APPROVAL OF ACTION/CONSENT AGENDA ITEMS

Management Committee Chair Jeff Mando shared that relative to the 2003-2004 Local District Working Budgets, two errors were found that are being corrected and stated the Board will be sent the corrected information. Mando also indicated there were some additional tax rates levied districts that were added to the list considered for approval.

At this point, Keith Travis moved approval of the following action/consent items:

- District Facility Plan(s): Adair, Bullitt, Caldwell, Henry, Jefferson and Owen Counties and Campbellsville and Owensboro Independents
- District Facility Plan Amendment(s): Floyd County
- 2003-2004 Local District Working Budgets
- 2003-2004 Local District Tax Rates Levied

Jeffrey Mando seconded the motion and it carried.

MANAGEMENT COMMITTEE REPORT

Action/Discussion Items

1. **Request by the Jefferson County Board of Education to use an alternative formula to allocate funds to school councils in 2004-2005.** Committee Chair Jeff Mando indicated that this item was on the October agenda and had been tabled for additional work to occur. He shared that the additional work had been productive and noted that Susan Weston had sent the Board a letter supporting the passage of the Jefferson County Alternative School-Based Decision Making Formula. He then moved approval of the item and the Board concurred.
2. **Site Approval for the Proposed New Alexandria Elementary School in Campbell County.** Mr. Mando reported the site acquisition amounted to 17% of the total cost, which requires action by the state board. He noted that the additional cost is due primarily to the purchase of prime land and indicated that the certified appraisal shows the cost to be in line for that particular piece of property. He moved approval of the item and the Board concurred.
3. **School Facilities Construction –Facilities Unmet Needs Report.** Chair Mando clarified that the Board must approve this report so that it can be sent to the General Assembly prior to the legislative session. He then moved its approval and the Board agreed.

Review Items

1. **Status Report on Coordinated School Health Efforts.** Jeff Mando indicated that the staff note on this agenda item summarizes the Department's efforts in the coordinated school health area. He emphasized that staff made his committee aware that the state is faced with 1/3 of high school students being at risk of becoming overweight, which he felt requires some kind of action on the Board's part before this gets worse. He continued that the committee was advised that there will probably be several bills on prevention of obesity, nutrition, physical activity and/or beverages during this legislative session. Mando said none had been prefiled, but commented bills in these areas are anticipated.

In order to bring attention to the fact that the Board recognizes the importance of physical activity for each child in schools, Mr. Mando reported that the following resolution was presented to his committee for consideration:

*RESOLUTION ENCOURAGING INCORPORATION OF PHYSICAL ACTIVITY WITHIN
THE SCHOOL DAY*

*By
The Kentucky Board of Education
Commonwealth of Kentucky*

Whereas, Physical activity supports the physical well being of a student and also enables a student to be ready to learn, and

Whereas, The Kentucky Board of Education recognizes and supports the philosophy of local control and decision making as to effective use of the school day, including student physical activity.

NOW THEREFORE, be it resolved by the Kentucky Board of Education that every public elementary and secondary school in Kentucky is strongly encouraged to integrate into the school day physical activity for every student and that the Kentucky Department of Education must promote awareness among the schools as to resources and models of best practices available to integrate student physical activity within the school day.

Jeff Mando moved on behalf of his committee to adopt the proposed resolution on physical activity and disseminate it across the state.

At this point David Tachau said he thought that the Board and Department had a comprehensive school health initiative in place. He felt that the reported activities were not systematically addressing problems like vending machines and other health problems. Tachau expressed concern that the Department is not doing enough to address these important issues.

Associate Commissioner Kyna Koch indicated that the Board did adopt a vision statement on coordinated school health and said that serves as a driving force for the Department's work. She indicated there is a Healthy Schools Team that addresses health issues and commented that this report is intended to be an update on the implementation of the vision statement.

Jeff Mando stated that he agreed more needs to be done in the health area, but said he feels that the Board and Department need not be so prescriptive as to say how to incorporate the physical activity component within the school day.

Commissioner Wilhoit agreed that there needs to be further definition of what is occurring in schools but felt that with the passage of the resolution, the issue would get in front of folks and serve as a call to action. The

Commissioner emphasized the importance of partnering with the Kentucky Association of School Councils and Kentucky School Boards Association in this effort.

Committee Chair Jeff Mando thought that best practices and models should be provided to schools along with explanations of how to implement physical activity within the school day; however, he did not want to mandate the requirement. He stated that if done in this manner, it would support schools in their efforts and not just direct them to comply. Mando went on to say that his committee has asked for a follow-up discussion on school health issues in February and commented that he had no problem with this discussion being a full board item if that is desired.

David Tachau emphasized that the bottom line is that we are not getting the job done in school health and that in February he would like to see what other states are doing in this area. Dorie Combs added that in February she would like to look at the big picture in school health.

Chair Mountjoy stated this would be an item on the February agenda and said it would be done in a way that would make the discussion available to all members who desire to attend.

2. **Status of the School Breakfast Program (SPB) in Kentucky.** Committee Chair Jeff Mando reported that significant progress has been made in this program going from 22 down to 15 schools that do not have the School Breakfast Program. He indicated that staff were asked to visit those on the list with a high percentage of free and reduced lunch students.
3. **702 KAR 7:125, Pupil Attendance.** Mr. Mando summarized the following points regarding the pupil attendance regulation:
 - A discussion occurred on whether there was a way to reduce the number of codes within the regulation and staff indicated they were already aware of this concern. However, after consulting with directors of pupil personnel, they felt there was good reason for each code, even though there's been a small reduction in the number. Staff will go back to the directors of pupil personnel to discuss this one more time to see if there is any way to consolidate more of the codes.
 - A new code needs to be added so that the regulation gives an accurate gauge on the number of students home schooled versus those in private schools.
 - A need exists to accurately represent the percent of time students are actually in school. Right now it is a complicated system and staff is recommending the use of STI to give the actual percentage of time present so that the school would get that percentage of average daily attendance.

This proposed procedure does not create additional work because the software will perform the task for the schools. Staff were asked to do simulations on some districts using both approaches and bring them back to the committee in February.

- The Local Superintendents Advisory Council (LSAC) supports the changes with the addition of a flexible definition for tardy. The committee agreed with this approach if the definition is reasonable.
- A reporting issue exists in that the growth factor report information is needed for budget calculation and the budget must be submitted November 1. Currently, LSAC wants to submit the data no later than November 1, which would not help the Department in submitting its budget. Associate Commissioner Kyna Koch will continue to work with LSAC to resolve this problem.

Jeff Mando summarized that this regulation would come back to the committee in February for final approval.

4. **Update on Deficit and Watch List Districts.** Chair Mando indicated that there is only one district on the watch list, Jackson County. He reported that staff conducted a management audit last week in the school district and found disturbing news on facility problems, transportation issues, more classified employees on staff than certified and other problems. Mando said Associate Commissioner Kyna Koch shared with the committee that the district will require significant hands-on assistance and he indicated he felt that the Department may not have the resources to get this done.

Chair Mountjoy felt that staff needs to hear from the Board if Jackson County should be a high priority on their work plan because there will have to be a shifting of staff and resources to address this due to staff reductions and budget cuts. It was agreed through consensus that work with Jackson County is a high priority and if other things need to be delayed to assist this district, staff just needs to remind the Board of this. Commissioner Wilhoit added that staff will give a full report on the management audit that occurred in Jackson County at the February meeting along with the Department's plan for addressing the problems.

Regarding the status of Covington Independent, Jeff Mando said that staff and the Board are waiting for the audit report and said that the picture is much the same as reported last time in the district.

5. **Kentucky High School Athletic Association (KHSAA) Title IX Update and Report on Title IX Deficiencies for Schools Audited During the 1999-2000, 2000-2001, 2001-2002 and 2002-2003 School Years.** Jeff Mando reported that KHSAA did try to define major/minor offenses in the report this time, but said that the committee did ask KHSAA staff to add a column on the

report in the future indicating whether the offenses were major or minor. He noted that a prevalent issue in the report this time was prime time play for girls versus boys and said that KHSAA assures his committee they are on top of this problem and are pursuing the districts in which this is a problem.

6. **KHSAA Annual Report.** Chair Mando indicated that KHSAA staff provided the transfer list, a copy of their budget and the management letter from their auditor. He reported that all of the dollars are where they should be and commented it was a good audit report. He added that in February his committee will be considering the proposed bylaw changes.

ASSESSMENT AND ACCOUNTABILITY REPORT

Action/Discussion Items

1. **Meeting Reporting Timelines Established by the No Child Left Behind Act of 2001 (NCLB).** Chair Hilma Prather indicated that three options were offered for consideration in the staff note as follows:

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| Option 1: | Move the current testing window back one week into the school year and maintain the current number of forms and design. (Testing window would not be moved until Spring 2005 -- not earlier than April 1.) |
| Option 2: | Reduce the number of forms in reading and mathematics from six to three or fewer. (Three or fewer forms are what can feasibly be scored and reported back to the schools/districts by August 1. However, three forms allow roughly 50% coverage of the Core Content and the more that the number of forms are reduced, the more the coverage of the Core Content is reduced.) |
| Option 3: | Issue preliminary results by August 1 and final results in early October. |

Chair Prather noted that Department staff are recommending Option 1 and said that the committee agrees with this recommendation. Thus, Prather moved to approve Option 1 and the Board concurred, with David Tachau recusing himself from the vote and from discussing the item.

2. **Regulations to Merge State and Federal Assessment and Accountability Requirements (Final).** Chair Hilma Prather reported that two representatives from the Local Superintendents Advisory Council (LSAC), Dr. Stephen Daeschner and Dr. Leon Mooneyhan, addressed the Assessment and Accountability Committee and noted that 25 of their peers were present in the audience. She called attention to the concerns from LSAC by referring Board members to the letter from that body. She then highlighted their concerns as follows:

- The proposed definition of proficiency,
- Applying the graduation rate definition to both federal accountability and CATS accountability,
- The proposed definition for full academic year, and
- The definition of ‘n’ count for subpopulations for accountability purposes.

Ms. Prather then moved on to summarize the Committee’s discussion and recommendation on 703 KAR 5:001, Assessment and Accountability Definitions. The recommendations included:

- On page 6 of the regulation, line 21, the Committee recommended leaving the definition of full academic year as presented, which would make this definition the same for both state and federal accountability purposes.
- On page 8 of the regulation, line 18, revise the definition to say ‘by completing four multiple choice or one constructed response in reading or math’.
- On page 10 of the regulation, add federal accountability results to the list of items that would make up the school portfolio.
- On page 12 of the regulation, line 12, relative to the definition for ‘n’ count, leave the definition as it presently appears with the caveat of coming back to the Board in February to see if the definition needs to be reconsidered, perhaps with an approach of keeping the numerator at 10 and the denominator a percentage with a cap.

At this point, Hilma Prather moved to approve 703 KAR 5:001 with the noted changes.

David Tachau expressed concerns about some of the ideas within this regulation and felt that the Board needed to do some hard thinking on whether this will really work and be the best for ensuring the future of CATS.

The question was called and the regulation was approved with David Tachau abstaining.

Next, Chair Prather moved on to 703 KAR 5:020, The Formula for Determining School Accountability. Prather noted that on page 8, lines 6 and 7 and on page 11, line 10, there are references to incorporate graduation rate into CATS; however, she indicated the Committee recommended to accept LSAC’s recommendation to use dropout rate for CATS and graduation rate only for federal accountability purposes. She also noted that on page 21, line 21, the definition for proficiency will not change. Prather then moved approval of 703 KAR 5:020 to include the changes she had cited and the Board concurred, with David Tachau and Gail Henson abstaining.

For 703 KAR 5:120, Assistance for Schools; Guidelines for Scholastic Audit, Chair Prather recommended approval of the regulation with no changes. The Board concurred.

Regarding 703 KAR 5:070, Procedures for the Inclusion of Special Populations in the State-Required Assessment and Accountability Programs, on page 14, Prather explained, language was added to clarify flexibility for working with interpreters and scribes. Ms. Prather moved approval of 703 KAR 5:070 to include the cited change and the Board concurred.

Moving on to 703 KAR 5:130, School District Accountability, Chair Prather indicated there were no changes made by the Committee to the regulation and she recommended its approval. The Board agreed.

1. **703 KAR 5:160, Commonwealth Accountability Testing System Administration Procedures (Final)**. Chair Prather indicated there were no changes in this regulation; however, she noted one correction to the staff note at the bottom of the first page where the paragraph referring to the need for two accountability rosters is no longer relevant and should be deleted. She moved final approval of 703 KAR 5:160 and the Board concurred.

Review Items

1. **Validity and Reliability Studies**. Committee Chair Prather indicated that by statute, the Department is required to do external validity and reliability studies and report on these to the General Assembly. She noted that these studies are done by external bodies and the topics are set at the direction of the National Technical Advisory Panel for Assessment and Accountability (NTAPAA). Prather reported there to be an extensive list of studies conducted and said that the important conclusion is that CATS is valid and reliable for accountability at the school level. The studies highlighted in the presentation included School Visit Study, Annual Multiple Assessment/Convergence Validity Evidence, Annual Third Party Checking of KCCT Scaling and Equating, Annual Item Content, Item Difficulty, and Item Type Mapping for the Multiple KCCT Forms, Biennial School Classification Accuracy, Annual Student Classification Analysis, and Technical Reports (validity and reliability evidence).

CURRICULUM COMMITTEE REPORT

Review Items

1. **Refocusing Secondary Education.** Chair Dorie Combs reported that on page 33 of the Agenda Book is a list of guiding questions that were originally used to set the direction for the initiative on refocusing secondary education; however, she noted that not all of the questions were addressed within this particular presentation. She commented that the topics discussed by the Committee included Individual Graduation Plan, Carnegie units, State Scholars and the American Diploma Project. Relative to these topics, Chair Combs shared the following:
 - For the Individual Graduation Plan, staff continues to provide training in its use and is working on a web-based tool. This tool is in its infancy and would eventually be linked to KHEAA's Go Higher site and to STI.
 - The pilot sites reported on their activities and gave the Committee advice on issues. Generally the pilot sites are finding ways to get around the Carnegie unit. East Jessamine High School is working on performance-based credit and dual credit as well. Both Jessamine and Oldham County sites require students to do their core requirements the first two years of high school and then use a more exploratory/experiential career approach the last two years, with rigor being emphasized. The pilots asked for help on getting relief from the average daily attendance requirements when students may not be required to be in school everyday and they expressed concerns on STI because it does not allow for unique scheduling options. Also, the sites expressed the need for seed money to make significant changes, the need for help from the Department if performance-based credit approaches are used and to consider allowing students as freshmen or sophomores to take the high school assessments and if they do well, exempt them thereafter.
 - State Scholars was mentioned but a full-blown presentation on this will be done at the February meeting.
 - Regarding the American Diploma Project, the draft standards and sample assessments were reviewed and the Committee saw lots of commonalities between these and the Core Content/Assessments. A few disconnects were noted and it was reported that these items are still being developed.
2. **Daytime Extended School Services (ESS) Programs.** It was reported that the waivers have gone very well with 250 waivers being approved. Dorie Combs said staff will be able to see the impact of these programs on students when the assessment results come in.

3. **Core Content Alignment to Meet No Child Left Behind Act Requirements.** Chair Combs reported that this is just an alignment of the Core Content to add the grades that are being required for federal accountability purposes and clarified it is not a revision of Core Content. She also reported that staff gave evidence that Kentucky's Core Content is at least as rigorous as other states that are engaged in similar reform initiatives. The Committee agreed that the draft of the newly aligned Core Content should be released for teachers to use while it is being validated.

Action/Discussion Items

1. **Implementation of Kentucky Technology Standards for Students.** On behalf of her Committee, Dorie Combs moved to adopt the National Technology Standards for use in Kentucky instead of inventing new ones and the Board agreed.

KSB/KSD COMMITTEE REPORT

Review Items

1. **Update on the Kentucky School for the Deaf and Kentucky School for the Blind and Reports from Five Regional Stakeholder Committees.** Chair Keith Travis reported that the committee is still in the process of hearing from the regional stakeholder committees and will hear from more of these in February. Travis stated that the Committee also heard from each of the schools about their improvement on the CATS test. Additionally, he noted that the Committee went over the capital construction projects and discussed the issue of whether the schools are considered state agencies or public schools. He indicated that Tom Engstrom is working on the 6-year capital plan and commented the Committee questioned whether to refurbish buildings that are not needed. Travis said there is a question on how to merge this plan with the local planning committee process that is ongoing at the two schools.

Travis then reported that Larry Conner updated the Committee on personnel issues and Petie Day presented budgetary items. He noted Day is working on a way to find the \$100,000.00 needed for textbooks that are needed at the schools. Travis went on to say that there is a request from the Danville Hospital to purchase some property from the Kentucky School for the Deaf and reported the Committee gave its permission for the local planning committee to consider this disposition. In summary, he indicated that the Committee may need a special meeting in February to finish up the reports from the stakeholder groups and asked staff to explore options to accomplish this.

INTERNAL BOARD BUSINESS

The following items were covered under Internal Board Business:

- Chair Mountjoy asked for a motion from the Board to approve Keith Travis' membership on NASBE's Governmental Relations Committee. David Tachau moved approval of this membership and Gail Henson seconded the motion. The motion carried.
- David Tachau indicated that materials regarding the format of the Commissioner of Education's contract were sent to Board members prior to the meeting. He commented that this format can be used with Commissioner Wilhoit and his successors and noted that the format is consistent with employee contract practices. Tachau stated that it has been reviewed with Commissioner Wilhoit and reported that Wilhoit has no problems with the contract language. At this point Keith Travis moved to delegate the Kentucky Board of Education Chair to enter into a new contract with Gene Wilhoit as Commissioner of Education and Samuel Robinson seconded the motion. The motion carried.
- Chair Mountjoy indicated that she had been exploring ways the Board could commemorate the 50th anniversary of the Brown vs. Board of Education decision and suggested that the state board institute an award in May that would go to someone in the state considered as having done outstanding work in achieving equity in education. She asked Board members to get back to her on this award. Mountjoy added that staff will be distributing to schools ways they can observe this anniversary.

ADJOURNMENT

At 3:25 p.m., the Kentucky Board of Education adjourned.